

**REMARKS**

This Amendment is responsive to the Office Action mailed on July 8, 2008 setting a three-month shortened statutory period for response which expires on October 8, 2008. Applicants request a one month extension of time resetting the period for response so as to expire on November 8, 2008. Claims 1, 5, 6, 9 and 19 have been amended. New claim 28 is added as set forth above. Prompt reconsideration is requested.

**Claim Rejections- 35 USC 103(a)**

Claims 1-11 and 19-27 stand rejected as unpatentable over Gabai et al in view of Rose et al. Amended claims 1, 6, 9 and 19 now specifically recite that the communication is **preprogrammed** into the device, and the oral communication is relevant to the identity of a roving character or that roving character's current location. This is not taught by Gabai et al. Gabai does not teach transmission of electronic signals **TRIGGERING** an output as in Applicant's amended claims. Instead, Gabai et al remotely controls characters by transmitting control instructions from a central node controller including commands for specific actions to be performed. Gabai indicates each signal comprises a message (Gabai col. 17, lines 19-21) the message being an instruction which causes the toy to perform an action (Gabai, col. 17, lines 19-21) and may include a condition for the action, as for example, the duration of the action. (Gabai, col. 17, lines 62-64). These transmissions are not trigger signals.

In contrast, Applicants system does not transmit specific commands. Instead, the system involves placement of transmitters which **trigger** the toy to playback data corresponding to the received signal or location. The toy is **preprogrammed** with data which may in turn **trigger** the toy to issue a **preprogrammed** communication in a specific manner. There is no central controller controlling the communications as in Gabai.

The examiner looks to Rose to show a device responsive to receipt of a signal from another device to automatically notify the user via the device that a character is nearby. However, it is respectfully submitted that Rose does not do this. The doll in Rose sparks a

simulated conversation with another doll similarly outfitted with a transceiver. This is NOT automatically notifying the user via the device that a character is nearby. It has nothing to do with one of the identity and location of a roving character as Applicants claim.

Amended claim 1 specifically recites:

providing a roving character with a wireless transmitter structured to transmit an electronic signal indicating one of an identity of the roving character and its location;

providing a user with a device including a wireless electronic signal receiver structured to receive the wireless signal from the wireless transmitter, and an electronic system in the device, said electronic system having a programmable memory structured to store software and preprogrammed data, said software structured to interpret a received electronic signal from the transmitter and to trigger playback of preprogrammed data related to the received electronic signal;

periodically transmitting the electronic signal from the wireless transmitter on the roving character, the signal identifying the roving character;

receiving the signal at the device's wireless receiver; and

responsive to receipt of the signal, producing a predetermined communication by the device related to the one of the identity and location of the roving character.

It is respectfully submitted that the combination of Gabai et al and Rose do not disclose or suggest the limitations set forth in this independent claim 1 and thus do not render amended claim 1 obvious.

Furthermore, each of the other amended independent claims 6, 9, and 19 also recite features not found in the cited art. Gabai et al in essence teaches the central node controller dictating messages to the nodes. Rose does not make up for the described deficiencies of Gabai et al. Applicant's devices utilize **preprogrammed** communications stored in the devices. Such an arrangement is not shown by either the cited references and therefore it is believed that claims 1-20, as amended, are patentably distinguished over the cited art.

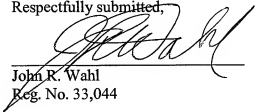
### Conclusion

This Amendment is believed to be responsive to all points in the Office Action. Claims 1-21 are now pending in the application. Applicants request a one month extension of time. The Director is authorized to charge the required fee for the extension of time, as well as any fee(s) or

any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 054317-029101 is referred to when charging any payments or credits for this case.

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Respectfully submitted,



John R. Wahl  
Reg. No. 33,044

Customer Number 46560  
GREENBERG TRAURIG, LLP  
2450 Colorado Avenue, Suite 400E  
Santa Monica, CA 90404  
Phone: (310) 586-7700  
Fax: (310) 586-7800  
E-mail: laipmail@gtlaw.com  
LA 127,602,498v1